

## Message Text

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PAGE 01 GENEVA 00008 031203Z

ACTION IO-13

INFO OCT-01 ISO-00 L-03 EA-07 CCO-00 CIAE-00 OTPE-00 EB-07

FCC-01 INR-07 NSAE-00 OC-06 USIA-06 COME-00 BIB-01

/052 W

-----031208Z 054610 /14

P R 031110Z JAN 77

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 4395

INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: ETEL, ITU

SUBJECT: ITU: MEMBERSHIP OF SOCIALIST REPUBLIC OF VIETNAM

REF: STATE 307336

1. ON DECEMBER 30, MISSION OFFICER MET WITH ITU DEPUTY SECRETARY GENERAL BUTLER (IN ABSENCE OF SECRETARY GENERAL MILL, WHO IS ON LEAVE UNTIL JANUARY 6). BUTLER ADVISED THAT FOLLOWING ITEM HAS BEEN PUBLISHED IN "ITU NOTIFICATIONS? NO. 1109, WHICH WAS SENT TO MEMBER STATES ON DECEMBER 15:

"POSITION OF COUNTRIES IN RELATION TO THE ACTS OF THE UNION

SOCIALIST REPUBLIC OF VIET NAM

ON 2 NOVEMBER 1976, THE GENERAL SECRETARIAT RECEIVED BY DIPLOMATIC CHANNEL AND THROUGH INTERMEDIARY OF THE SWISS GOVERNMENT, A LETTER DATED 20 JULY 1976 IN WHICH THE MINISTER OF FOREIGN AFFAIRS OF THE SOCIALIST REPUBLIC OF VIET NAM DECLARES THAT STATE TO BE THE CONTINUATION OF THE REPUBLIC OF SOUTH VIETNAM SO FAR AS MEMBERSHIP OF THE INTERNATIONAL TELECOMMUNICATION UNION IS CONCERNED. THEREFORE, THE SOCIALIST REPUBLIC OF VIET NAM IS A MEMBER OF THE UPU."

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PAGE 02 GENEVA 00008 031203Z

2. IN ADDITION, THE SRV RATIFICATION HAS ALREADY BEEN RECEIVED AND ACCEPTED BY SECRETARIAT. THE ADVICE OF THIS RECEIPT WILL BE MADE PUBLIC IN JANUARY ISSUE OF NOTIFICATIONS.

3. WITH REGARDS TO EXPLANATION REQUESTED BY THE DEPARTMENT IN REFTTEL, BUTLER OFFERED FOLLOWING:

A. ITU CONVENTION IS MUTE ON SUBJECT OF SUCCESSOR STATES;  
HOWEVER, ARTICLE 1 (1) (2) GIVES THE SECRETARY GENERAL A  
ROLE IN MEMBERSHIP PROCESS;

B. ITU WAS FACED WITH CLAIM OF SRV AS SUCCESSOR TO A  
MEMBER STATE, THUS IT HAD TO DECIDE WHETHER TO TREAT MATTER  
AS SUCCESSOR STATE QUESTION (E.G. AS BERLIN OR CAMBODIA)  
OR TO TREAT IT AS A NEW MEMBERSHIP REQUEST:

C. ITU SYG HAD HEARD THE UNIVERSAL POSTAL UNION HAD  
RECENTLY HAD A SIMILAR PROBLEM AND CONTACTED THE UPU DIRECTOR  
GENERAL WHO CONFIRMED AND STATED IT HAD REQUESTED POLITICAL  
GUIDANCE FROM THE SWISS GOVERNMENT WHICH ACTS AS DIPLOMATIC  
INTERMEDIARY FOR MEMBERSHIP QUESTIONS BETWEEN BOTH THE ITU AND  
UPU AND THEIR MEMBER STATES. THE UPU DG SAID THE SWISS ADVISED  
HIM TO TREAT MATTER AS A SUCCESSOR STATE QUESTION WHICH  
HE DID AND ACCORDINGLY GRANTED THE SRV REQUEST TO BE RECOGNIZED  
AS A SUCCESSOR STATE. ITU CONFIRMED THIS INFORMATION WITH  
SWISS AUTHORITIES. UPU OFFICIALS DID NOT RAISE THIS MATTER  
WITH MISSION AND DEPARTMENT OFFICERS ON VISIT TO BERN IN  
EARLY DECEMBER, AS MISSION DOES NOT RECEIVE UPU DOCUMENTS,  
WE WERE NOT AWARE OF THE UPU ACTION.

D. GIVEN ABOVE, ITU SYG DECIDED TO TREAT SRV NOTIFICATION  
AS SUCCESSOR QUESTION, HENCE ITEM ON NOTIFICATION NO. 1109.

E. DEPARTMENT'S ASSERTION PARA TWO REFTEL THAT GVN SIGNED  
BUT DID NOT RATIFY TORREMOLINOS CONVENTION OF 1973, AND THUS  
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PAGE 03 GENEVA 00008 031203Z

SRV HAD NO MEMBERSHIP TO SUCCEED TO ITU IS OF VIEW THAT A  
COUNTRY BECOMES A MEMBER WHEN IT FIRST RATIFIES AN ITU  
CONVENTION; IF IT FAILS TO RATIFY A SUCCEEDING CONVENTION, IT DOES  
NOT LOSE ITU MEMBERSHIP, IT IS MERELY BOUND BY THE  
PROVISIONS OF MOST RECENT CONVENTION IT RATIFIED.  
RVN RATIFIED THE MONTREUX CONVENTION OF 1965. BUTLER ALSO  
MADE THE POINT THAT OF 152 MEMBER STATES, ONLY 85 HAVE, AS  
OF DECEMBER 30, 1976, RATIFIED THE 1973 CONVENTION. THOSE  
WHICH HAVE NOT YET DONE SO INCLUDE FRANCE, ITALY AND USSR.

F. ACCORDINGLY, ITU TAKES VIEW THAT SRV IS SUCCESSOR  
STATE TO RVN, WHICH IS LISTED IN ANNEX I OF CONVENTION AND  
ELECTION TO MEMBERSHIP PER ARTICLE I (1) (C) AND I (2)  
IS NOT REQUIRED.

4. IN PURSUING THE OFFITY THAT IN ITS COMMUNICATION TO THE  
ITU, SRV REFERRED TO ITSELF AS SUCCESSOR TO "REPUBLIC OF  
SOUTH VIETNAM", BUTLER REPORTED FOLLOWING CHRONOLOGY:

A. IN FEBRUARY 1976, ITU RECEIVED CABLE FROM PPT  
SAIGON ASKING THAT ITS ADMINISTRATION HENCEFORTH BE ADDRESSED  
AS REPUBLIC OF SOUTH VIETNAM; ITU COMPLIED.

B. IN APRIL 1976, A COMMUNICATION WAS RECEIVED FROM LOCAL  
VIETNAMESE MISSION ASKING THAT DESIGNATION OF REPUBLIC OF  
SOUTH VIETNAM BE CHANGED TO PROVISIONAL REVOLUTIONARY  
GOVERNMENT OF SOUTH VIETNAM. THIS WAS COMMUNICATION THAT THE  
SECRETARY GENERAL SAT ON UNTIL AFTER THE ANNOUNCEMENT OF  
UNIFICATION IN LATE JUNE, WHEREUPON THE MESSAGE WAS RETURNED TO  
MISSION WITH THE NOTATION THAT IT APPEARED TO HAVE BEEN  
SUPERSEDED BY EVENTS.

C. THEN CAME THE SRV COMMUNICATION REFERRED TO IN THE  
"NOTIFICATION".

4. U.S. VIEWS WERE TRANSMITTED TO BUTLEJ PER PARA FOUR REFTEL,  
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PAGE 04 GENEVA 00008 031203Z

WHO SAID HE WOULD INFORM THE SECRETARY GENERAL, HOWEVER, HE  
MAINTAINED THAT BOTH HE AND MILI ARE FIRMLY CONVINCED THAT  
THEY TOOK PROPER ACTION ON THIS MATTER AND NO OTHER SETPS ARE  
CONTEMPLATED BY THE SECRETARIAT.

5. GIVEN THE FOREGOING, THIS MISSION BELIEVES THAT ANY FURTHER  
USG INTERVENTIONS ON THIS MATTER WOULD SERVE NO USEFUL PURPOSE. CATTO

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NNN

## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Review Markings:**  
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